Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

UNITED STATES DEPARTMENT OF AGRICULTURE

MISCELLANEOUS CIRCULAR NO. 22

WASHINGTON, D. C. MARCH, 1924

THE NAVAL STORES ACT AND REGULATIONS FOR ITS ENFORCEMENT.

INTRODUCTION.

The act entitled "An act establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes" was approved March 3, 1923.

The accompanying regulations for its enforcement, effective March 1, 1924, are published for the information and guidance of those concerned.

HENRY C. WALLACE,
Secretary of Agriculture.

WASHINGTON, D. C., *February 11, 1924.*

AN ACT ESTABLISHING STANDARD GRADES OF NAVAL STORES, PREVENTING DECEPTION IN TRANSACTIONS IN NAVAL STORES, REGULATING TRAFFIC THEREIN, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for convenience of reference, this act may be designated and cited as "The Naval Stores Act."

SEC. 2. That, when used in this act—

(*a*) "Naval stores" means spirits of turpentine and rosin.

(*b*) "Spirits of turpentine" includes gum spirits of turpentine and wood turpentine.

(*c*) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

(*d*) "Wood turpentine" includes steam distilled wood turpentine and destructively distilled wood turpentine.

(*e*) "Steam distilled wood turpentine" means wood turpentine distilled with steam from the oleoresin within or extracted from the wood.

(*f*) "Destructively distilled wood turpentine" means wood turpentine obtained in the destructive distillation of the wood.

(*g*) "Rosin" includes gum rosin and wood rosin.

(*h*) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

(*i*) "Wood rosin" means rosin remaining after the distillation of steam distilled wood turpentine.

(*j*) "Package" means any container of naval stores, and includes barrel, tank, tank car, or other receptacle.

(*k*) "Person" includes partnerships, associations, and corporations, as well as individuals.

(*l*) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District

of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

SEC. 3. That for the purposes of this act the kinds of spirits of turpentine defined in subdivisions (*c*), (*e*), and (*f*) of section 2 hereof and the rosin types heretofore prepared and recommended under existing laws, by or under authority of the Secretary of Agriculture, are hereby made the standards for naval stores until otherwise prescribed as hereinafter provided. The Secretary of Agriculture is authorized to establish and promulgate standards for naval stores for which no standards are herein provided, after at least three months' notice of the proposed standard shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same. No such standard shall become effective until after three months from the date of the promulgation thereof. Any standard made by this act or established and promulgated by the Secretary of Agriculture in accordance therewith may be modified by said secretary whenever, for reasons and causes deemed by him sufficient, the interests of the trade shall so require, after at least six months' notice of the proposed modifications shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same; and no such modification so made shall become effective until after six months from the date when made.

The various grades of rosin, from highest to lowest, shall be designated, unless and until changed, as hereinbefore provided, by the following letters, respectively, *X*, *WW*, *WG*, *N*, *M*, *K*, *I*, *H*, *G*, *F*, *E*, *D*, and *B*, together with the designation "gum rosin" or "wood rosin," as the case may be.

The standards herein made and authorized to be made shall be known as the "Official Naval Stores Standards of the United States," and may be referred to by the abbreviated expression "United States Standards," and shall be the standards by which all naval stores in commerce shall be graded and described.

SEC. 4. That the Secretary of Agriculture shall provide, if practicable, any interested person with duplicates of the official naval stores standards of the United States upon request accompanied by tender of satisfactory security for the return thereof, under such regulations as he may prescribe. The Secretary of Agriculture shall examine, if practicable, upon request of any interested person, any naval stores and shall analyze, classify, or grade the same on tender of the cost thereof as required by him, under such regulations as he may prescribe. He shall furnish a certificate showing the analysis, classification, or grade of such naval stores, which certificate shall be prima facie evidence of the analysis, classification, or grade of such naval stores and of the contents of any package from which the same may have been taken, as well as of the correctness of such analysis, classification, or grade and shall be admissible as such in any court.

SEC. 5. That the following acts are hereby declared injurious to commerce in naval stores and are hereby prohibited and made unlawful:

(*a*) The sale in commerce of any naval stores, or of anything offered as such, except under or by reference to United States standards.

(*b*) The sale of any naval stores under or by reference to United States standards which is other than what it is represented to be.

(*c*) The use in commerce of the word "turpentine" or the word "rosin," singly or with any other word or words, or of any compound, derivative, or imitation of either such word, or of any misleading word, or of any word, combination of words, letter or combination of letters, provided herein or by the Secretary of Agriculture to be used to designate naval stores of any kind or grade, in selling, offering for sale, advertising, or shipping anything other than naval stores of the United States standards.

(*d*) The use in commerce of any false, misleading, or deceitful means or practice in the sale of naval stores or of anything offered as such.

SEC. 6. That any person willfully violating any provision of section 5 of this act shall, on conviction, be punished for each offense by a fine not exceeding $5,000 or by imprisonment for not exceeding one year, or both.

SEC. 7. That the Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpentine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this act. He shall report to the Department of Justice for appropriate action any violation of this act coming to his knowledge. He is also authorized to publish from time to time results

of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him under any provision of this act.

SEC. 8. That there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the administration and enforcement of this act, and within the limits of such sums the Secretary of Agriculture is authorized to employ such persons and means and make such expenditures for printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel and supplies, and all other expenses as shall be necessary in the District of Columbia and elsewhere.

SEC. 9. That if any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 10. That this act shall become effective at the expiration of ninety days next after the date of its approval.

Approved, March 3, 1923.

REGULATIONS FOR THE ENFORCEMENT OF THE NAVAL STORES ACT.

Regulation 1.—Short Title of the Act.

(Section 1.)

The "act establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes," approved March 3, 1923, may be designated and cited as the naval stores act.

Regulation 2.—Scope of the Act.

The provisions of the act apply to all sales of spirits of turpentine and rosin or anything offered as such in interstate or foreign commerce or in the District of Columbia, Territories, and possessions of the United States. The act forbids all sales of spirits of turpentine and rosin in intrastate commerce under or by reference to United States standards which is other than what it is represented to be.

Regulation 3.—Definition of Terms Used in the Regulations.

(*a*) *Secretary.*—Secretary of Agriculture of the United States.

(*b*) *Bureau.*—Bureau of Chemistry of the United States Department of Agriculture.

(*c*) *Chief of bureau.*—Chief of the Bureau of Chemistry of the United States Department of Agriculture.

(*d*) *Naval stores.*—Spirits of turpentine and rosin, as defined in the act.

(*e*) *Standards.*—Official naval stores standards of the United States.

(*f*) *Analysis.*—Macroscopical, microscopical, or chemical examination.

(*g*) *Classification.*—Kind of spirits of turpentine or rosin.

(*h*) *Grade.*—Designation of rosin by reference to the standards.

(*i*) *Person.*—Partnerships, associations, and corporations, as well as individuals.

(*j*) *Inspector.*—Any person appointed a United States naval stores inspector by the Secretary of Agriculture to examine, classify, and grade naval stores.

(*k*) *Analyst.*—Any person in the employ of the bureau who is designated by the chief of bureau to analyze naval stores.

(*l*) *Package.*—Any container of naval stores; it includes barrel, tank car, or other receptacle.

Regulation 4.—Administration.

(Section 8.)

(*a*) Inspectors may be assigned to such places as may be necessary for the proper enforcement of the act.

(*b*) Inspectors will sample and grade rosin upon request as hereinafter provided and collect samples of turpentine or rosin.

(*c*) Inspectors shall be responsible for the proper performance of the duties imposed upon them.

Regulation 5.—Establishing New or Modified Standards.

(Section 3.)

Whenever in the opinion of the secretary a standard is necessary for naval stores for which no standard is provided, or whenever for reasons deemed by him sufficient the interests of the trade require a modification of an existing standard, opportunities to be heard will be given those favoring or opposing the proposed standard or proposed modification of a standard. When the hearing is to be called for consideration of new standards, three months' notice in advance of the hearing will be given; when the hearing is to be called for consideration of the modification of an existing standard, six months' notice in advance of the hearing will be given. When a standard is established for naval stores for which no standard is provided, such standard shall become effective after three months from the date of the promulgation thereof; when an existing standard is modified, such modification shall become effective after six months from the date of the promulgation thereof.

Regulation 6.—Standards for Spirits of Turpentine.

(Section 3.)

Until other standards for spirits of turpentine are established by the secretary, the following standards are in effect:

(*a*) *Gum spirits of turpentine*, the spirits of turpentine made from gum (oleoresin) from a living tree.

(*b*) *Steam distilled wood turpentine*, wood turpentine distilled with steam from the oleoresin within or extracted from the wood.

(*c*) *Destructively distilled wood turpentine*, wood turpentine obtained in the destructive distillation of the wood.

Regulation 7.—Standards for Grading and Classification of Rosin.

(Section 3.)

Unless and until other standards for rosin are established by the secretary, the standards for rosin are the rosin types prepared and recommended by the secretary prior to March 3, 1923, and the various grades of such standards, from highest to lowest, shall be designated, unless and until changed, by the following letters, respectively, *X*, *WW*, *WG*, *N*, *M*, *K*, *I*, *H*, *G*, *F*, *E*, *D*, and *B*, together with the designation "gum rosin" or "wood rosin," as the case may be.

Regulation 8.—Samples.

(Section 4.)

Any naval stores shall be analyzed, classified, and graded, if practicable, upon the request of any interested person.

Samples shall be taken by an inspector.

(Sections 5 and 7.)

For the purpose of determining whether section 5 of the act has been violated, samples shall be collected by an inspector.

Regulation 9.—Directions for Taking Sample.

(Sections 4, 5, and 7.)

Samples of turpentine and rosin within the scope of the act shall be representative.

All samples shall become and remain the property of the United States Department of Agriculture and be disposed of as it may determine.

Regulation 10.—Requests for Analysis, Classification, and Grading.

(Section 4.)

(*a*) A request to analyze, classify, or grade naval stores shall be made to the bureau or to the nearest inspector, in writing (Reg. 3 (*j*)).

(*b*) A request to analyze, classify, or grade naval stores shall state the number and kinds of packages of rosin or the number and kinds of packages and number of gallons of turpentine, the name of the interested person, for whose account the examination is requested, and his interest in the naval stores. It shall be signed by such interested person or in his behalf by his agent.

(*c*) A request to analyze, classify, or grade naval stores may be withdrawn in writing by the applicant at any time before the analysis, classification, or grading has been completed, subject to the payment of such fees and expenses, if any, as may be prescribed pursuant to Regulation 14.

(*d*) Naval stores, except spirits of turpentine in tank cars, of which analysis, classification, or grade has been requested shall remain intact and undisturbed until the analysis, classification, or grading has been completed and the packages marked in accordance with the provisions of Regulation 16, unless such request shall have been withdrawn.

(*e*) Tank cars containing spirits of turpentine of which analysis, classification, or grade has been requested, after the sample of the spirits of turpentine has been taken by an inspector, shall be sealed by him with a seal prescribed by the department. Such cars, so sealed, may be moved prior to the completion of the analysis, classification, or grading. However, the analysis, classification, or grade as shown by the certificate shall apply to the contents of the tank car only while the seal on said tank car remains intact.

Regulation 11.—Certificate.

(Section 4.)

(*a*) A certificate for each lot of naval stores analyzed, classified, or graded under the act shall be issued to the interested person.

(*b*) The certificate shall contain the information required by the act and shall be numbered.

Regulation 12.—Methods of Analysis.

(Sections 4, 5, 6, and 7.)

(*a*) The methods of chemical analysis shall be those prescribed by the Association of Official Agricultural Chemists, when applicable, provided, however, that any method of analysis or examination satisfactory to the bureau may be employed.

(*b*) If no method of chemical analysis has been prescribed by the Association of Official Agricultural Chemists, any method of analysis or examination methods satisfactory to the bureau may be employed.

Regulation 13.—Rosin Grading.

(Section 4.)

An interested person making the request for the analysis, classification, or grade shall, at his own expense, cause the rosin to be made available to the inspector, shall remove the heads, spike the rosin under the supervision of the United States inspector, recooper the barrel, and prepare the barrel for marking by the inspector.

Regulation 14.—Cost of Analysis, Classification, and Grading.

(Section 4.)

(*a*) For the analysis, classification, or grading of each sample of turpentine pursuant to these regulations, the person requesting the analysis shall pay a fee of $2 and in addition a fee of 4 cents per package for marking.

(*b*) For the classification and grading of each lot of rosin pursuant to these regulations the person requesting the classification or grading shall pay a fee

of 10 cents per package for classification, grading, and marking the package, provided, however, the minimum charge for classification and grading any lot of rosin shall be $1.

(*c*) The fee for the analysis of a sample of rosin shall be fixed by the chief of bureau in each instance.

(*d*) No fee shall be charged for a new certificate issued in lieu of an outstanding certificate solely for the purpose of correcting clerical errors therein or for the purpose of substituting a new form for an outstanding certificate.

(*e*) When the request for the analysis, classification, or grade of a lot of naval stores shall be withdrawn, such proportional part of the fees fixed in (*a*), (*b*), or (*c*) of this regulation shall be charged according to the work done or preparation made.

(*f*) When any work in connection with the analysis, classification, or grading of naval stores shall be performed at a place other than where an inspector is regularly located, the interested person making the request for such analysis, classification, or grading, in addition to the fees hereinbefore prescribed, will be requested to reimburse the United States in accordance with the fiscal regulations of the United States Department of Agriculture for the necessary traveling expenses and subsistence or per diem in lieu of subsistence incurred by the inspector.

(*g*) Any shipping expenses in connection with any sample taken at the request of an interested person shall be borne by such person.

(*h*) The chief of bureau shall deliver bills to all persons from whom payment for fees or expenses on account of services rendered shall be due. Such bills shall be rendered as soon as practicable after the last day of each month. When necessary, in the discretion of the chief of bureau, any such bill may be rendered at an earlier date. Payment of such bill shall be made within 15 days after the date rendered by check, draft, or post office or express money order, payable to the order of "Disbursing Clerk, U. S. Department of Agriculture," and mailed to "Chief, Bureau of Chemistry, U. S. Department of Agriculture, Washington, D. C."

(*i*) The chief of bureau may require from any interested person requesting the analysis, classification, or grading of any lot of naval stores a deposit sufficient to cover the fees and expenses involved in such analysis, classification, or grading.

(*j*) Any deposit under this regulation shall be by certified check, draft, or post office or express money order only, payable to the order of "Disbursing Clerk, U. S. Department of Agriculture," and mailed to "Chief, Bureau of Chemistry, U. S. Department of Agriculture, Washington, D. C."

(*k*) All moneys received under (*a*), (*b*), (*c*), (*e*), or (*f*) of this regulation will be covered into the United States Treasury as miscellaneous receipts. Money deposited under (*i*) hereof will be carried in the special deposit account until the exact amount to be charged is ascertained, when as much as is due the Government will be covered into the United States Treasury as miscellaneous receipts and the balance returned to the party transmitting it.

Regulation 15.—Labels.

(Section 8.)

(*a*) Naval stores under this act are not required to be marked, branded, or labeled except as set forth in this regulation.

(*b*) The word "turpentine" or the word "rosin," singly or with any other word or words, or any compound, derivative, or imitation of either of these words, or any misleading word, or any word, combination of words, letters, or combination of letters, provided by the act and by these regulations, shall not be used in commerce, in selling, offering for sale, advertising, or shipping anything that is not naval stores of the United States standards.

(*c*) Spirits of turpentine in commerce shall be designated or described as "gum spirits of turpentine," "steam distilled wood turpentine," or "destructively distilled wood turpentine," as the case may be.

(*d*) If spirits of turpentine are described on the package, the terms "gum spirits of turpentine," "steam distilled wood turpentine," or "destructively distilled wood turpentine," as the case may be, must be used.

(*e*) Rosin in commerce shall be designated and described by the letter or letters signifying its standard, together with the classification "gum rosin" or "wood rosin," as the case may be.

(*f*) If rosin is described on the package. it must be described by the letter or letters signifying its standard, together with the classification "gum rosin" or "wood rosin," as the case may be.

Regulation 16.—Labeling United States Examined Turpentine and Rosin.

(Section 4.)

(*a*) Except in the case of tank cars, the inspector shall mark upon each package of a lot of turpentine examined by him, at the request of an interested person, and found to be of United States standard, the fact that it has been United States examined, together with the classification, the grade, the number of the certificate, and such further marks as the chief of bureau shall require. If, however, the article examined does not comply with any of the United States standards, the packages containing it shall not be marked by the inspector.

(*b*) The inspector shall mark upon each package of a lot of rosin examined by him, at the request of an interested person, the fact that it has been United States examined, together with the classification, the grade, the number of the certificate, and such further marks as the chief of bureau shall require. If the article in the package is not rosin. the package shall not be marked by the inspector.

Regulation 17.—Loan and Care of Duplicates of United States Standards.

(Section 4.)

(*a*) Duplicates of the United States standards shall not be sold. Upon request they will be furnished, so far as the supply in the possession of the department will permit, to State inspectors of naval stores, chambers of commerce, boards of trade, and to such trade organizations as in the opinion of the chief of bureau require them, and loaned to any interested person. They may be recalled at any time by the chief of bureau.

(*b*) Interested persons requesting loans of duplicates of United States standards shall forward to "Chief, Bureau of Chemistry. U. S. Department of Agriculture, Washington, D. C., a certified check or post office or express money order, in the sum of two hundred dollars, payable to "The Disbursing Clerk, U. S. Department of Agriculture." This money shall be held by said disbursing clerk as security for the safe return of said duplicates and shall be deposited in his special deposit account.

(*c*) The interested person requesting the loan of such duplicates shall authorize the disbursing clerk of the United States Department of Agriculture to reimburse the United States out of such money for the cost of replacement of said duplicates if for any reason they can not be returned, or to replace any missing part thereof, or to repair any damage to the duplicates, prior to their return and receipt by the bureau. The form of request for the loan of the duplicate of the United States standards and of the authorization for the disbursing clerk to use such money as specified in this regulation shall be the form furnished by the chief of bureau upon application.

(*d*) The money held as such security, less such amount as may be necessary to replace any missing parts of or to repair any damage to the duplicates, will be returned after the receipt of such duplicates by the bureau.

(*e*) Where the duplicates are damaged in any way or any parts thereof are missing, the full set of duplicates shall be returned to the bureau. When the repairs are made or the missing parts supplied, the full set will be returned to the party to whom it had been furnished or loaned, on the payment by him of the cost of repairs or of the missing parts.

(*f*) All money received for payment of missing parts or for repairs shall be paid in to the United States Treasury as miscellaneous receipts.

Regulation 18.—Publication.

(Section 7.)

(*a*) After judgment of the court in any proceeding under the act, notice shall be given by publication. Such notice shall include the finding of the court and may include the analysis, classification. and grade, and such explanatory statements of fact as may be appropriate. If an appeal shall

have been taken from the judgment of the court before such publication, that fact shall appear.

(*b*) The results of the analysis, classification, or grading made under this act of any spirits of turpentine or anything offered as such may be published from time to time.

(*c*) Publications under this regulation may be in the form of a circular notice or bulletin.

Regulation 19.—Hearings.

(Section 7.)

(*a*) Whenever it appears that any naval stores are in violation of section 5 of the act, notice may be given to the person from whom the sample was collected and to such other person or persons as may be advisable, and a date shall be fixed at which such person or persons shall be heard. This hearing shall be held at the office of the inspector most convenient to the persons cited, or at the bureau, and shall be private and confined to matters of fact. The person or persons notified may present evidence, either oral or written, in person or by attorney, to show cause why the matter should not be referred for prosecution as a violation of the naval stores act.

(*b*) After a hearing is held, if it appears that the act has been violated, the secretary may report the facts for prosecution.

(*c*) An official of any State, Territory, city, or possession of the United States, or the District of Columbia, or his agent, individually commissioned by the secretary to collect samples, who obtains satisfactory evidence of any violation of section 5 of the act, shall submit such evidence to the bureau in order that a date for a hearing may be fixed and notice given to the proper person or persons.

INDEX.

	Regulation.	Section.
Administration of act	4	8
Analysis:		
cost of	14	4
methods of	12	.....
request for	8, 10	4
Appropriations for enforcement of act	.....	8
Certificate of analysis, classification, or grading	11	4
Classification:		
cost of	14	4
request for	8, 10	4
Cost of analysis, classification, and grading	14	4
Court decisions	18	7
Date act is effective	.....	10
Definition of terms	3	2
Duplicate standards	17	4
Grading:		
cost of	14	4
methods of	7, 8, 13	3, 4
request for	10	4
Hearings	5, 19	7
Inspectors' duties	4	.....
Labeling naval stores	15, 16	4, 5, 8
Penalties for violation of act	.....	6
Publication of court decisions	18	7
Purchase of samples	.....	7
Sale of naval stores	.....	5
Sampling naval stores	4, 8, 9	4, 5, 7
Scope of act	2	.....
Short title	1	1
Standards:		
duplicate	17	4
rosin	5, 7	3
spirits of turpentine	5, 6	3
Validity of act	.....	9
Violation of act	8	6